REMARKS

This application has been reviewed in light of the final Office Action dated January 29, 2010. Claims 29-32, 34-42 and 44-48 are pending in this application, with claims 29, 39 and 48 being independent. Claims 29, 39 and 48 have been amended. Favorable reconsideration and allowance are respectfully requested.

The Office Action rejected claims 29, 39 and 48 for minor informalities. The informalities have been corrected by the amendments to those claims, and removal of the objection is respectfully requested.

Claims 29-32, 34-37, 39-42 and 44-48 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,049,743 to Baba; and claim 38 was rejected as being unpatentable over Baba as applied to claim 29, and further in view of U.S. Patent Application Publication No. 2002/0110786 to Diller. Applicants respectfully traverse these rejections, and respectfully submit that claims 29-32, 34-42 and 44-48 are patentable over Baba, for the reasons set forth below.

As discussed in the October 30, 2009 Amendment, the present invention relates to a system that facilitates the design and fabrication of digital restoration bodies. An image that includes multiple, distinct dentally specific indicia is presented to a user. In accordance with the system, there is a computer, a display device, an input device and at least one design tool. The computer directs the display device to display an image of a dental restoration body, with the image including a plurality of distinct dentally specific indicia. The input device enables the user to input a command that references any of the plurality of distinct dentally specific indicia to select a portion of the image to be modified, with the selected portion being defined by at least the distinct dentally specific indicia

referenced by the command. The at least one design tool enables the selected portion to be modified in any of a plurality of directions.

By enabling a user to select any of a plurality of distinct dentally specific indicia, the present invention as recited in claim 29 provides a CAD system with maximum design flexibility, that allows the user to modify any of a variety of portions of a dental restoration body. For example, and without limiting the applicability of claim 29, the "plurality of distinct dentally specific indicia" may comprise a cusp, a fissure and a marginal crest. As may be appreciated readily, each of the foregoing indicia are distinct from one another and each are dentally specific, and in such an embodiment the present invention enables the user to select a portion of the image defined by any one of them.. Such a feature is neither taught nor suggested by Baba or by any other prior art.

In attempting to apply Baba to independent claim 29, the Office Action takes the position that the "plurality of dentally specific indicia" of claim 29 are anticipated by the so-called deforming regions A(n) of Baba. Applicants respectfully submit that this cannot be the case. Baba describes morphology definition data which includes data that defines plural deforming regions A(n), which regions

> are obtained when the grooves 12 in the occlusal surface of the pontic model P_m are extended in the base surface direction (i.e., substantially vertically) so as to divide the pontic model P_m.

Col. 8:7-11. The grooves constitute a single feature, not a plurality of dentally specific indicia, and are used simply to divide the image of the tooth into quarters. Because Baba does not utilize a plurality of distinct dentally specific indicia in the fashion of independent claim 29, Applicants respectfully submit that it cannot anticipate or render obvious that claim.

Diller was cited simply as teaching a plurality of symbols representing tools. The Office Action does not contend that it teaches or suggests the missing features of Baba discussed above, and plainly it does not. Accordingly, Applicants respectfully submit that it does not correct the deficiencies of Baba

Independent claim 39 is directed to an image processing method and independent claim 48 is directed to a CAD system with its constituent claim elements being written in means-plus-function form. Each of claims 39 and 48 recite the salient feature of claim 29 emphasized above, namely that a user may directly select a region of an input image by designating the dentally specific indicia that surround the image. Applicants respectfully submit that independent claims 39 and 48 are patentable over thee foregoing prior art for at least the reasons discussed with respect to independent claim 29 above.

The other claims in this application depend from one or another or the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, entry of this Amendment under 37 C.F.R. § 1.116 is believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Michael P. Sandonato/
Michael P. Sandonato
Attorney for Applicants
Registration No. 35,345

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

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